



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Whitney Collins, Administrative Officer 3
Miami-Dade Department of Transportation and Public Works

FROM: Nolen Andrew Bunker, Staff Attorney
Miami-Dade Commission on Ethics and Public Trust

SUBJECT: INQ 2025-20, Section 2-11.1(c), Prohibition on transacting business within the County; and Section 2-11.1(j), Conflicting employment prohibited.

DATE: February 28, 2025

CC: All COE Legal Staff; Office of Miami-Dade Board of County Commissioners Vice Chairman Kionne L. McGhee, District 9; Victoria Goss, Training Coordinator, Neighbors and Neighbors Association

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest concerning you, a County employee, applying for a Mom and Pop Small Business Grant funded by Miami-Dade County.

Facts

You, Ms. Whitney Collins, are employed by the Miami-Dade Department of Transportation and Public Works (“DTPW”) as an Administrative Officer 3. Your job duties primarily involve clerical administrative work, such as invoice management for department projects. You further advised that, on an as-needed basis, you provide work-order revisions and review construction vendors to ensure compliance with their County contracts.

You own and operate a Florida limited liability company named Fresh to the Core Company, LLC (“Fresh LLC”), which sells smoothies and juices. You are the company’s sole owner. You would like to apply for a Mom and Pop Small Business Grant for both companies through Miami-Dade Board of County Commissioners Vice Chairman Kionne L. McGhee’s District 9 Office.

The Mom and Pop Small Business Grant program is funded by Miami-Dade County. The Neighbors and Neighbors Association, a Florida not-for-profit organization, administers and makes recommendations regarding the Mom and Pop Grant applications; funds are distributed to qualifying businesses by the thirteen County Commission district offices.

Issue

Whether there is a prohibited conflict of interest that would prevent Fresh LLC, Ms. Collins' privately owned business, from accepting a Mom and Pop Small Business Grant.

Analysis

This inquiry involves several sections of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance ("County Ethics Code"), each of which is analyzed in turn below:

A. Outside Employment

The County Ethics Code prohibits County employees from accepting outside employment, "which would impair his or her independence of judgment in the performance of his or her public duties." County Ethics Code § 2-11.1(j). Additionally, Miami-Dade County Administrative Order 7-1 provides that, "[u]nder no circumstances shall a County employee accept outside employment . . . where a real or apparent conflict of interest with one's official or public duties is possible." Outside employment is considered "any non-County employment or business relationship in which the County employee provides a personal service to the non-County employer that is compensated or customarily compensated." RQO 17-03. Several factors are considered to determine whether a potential conflict of interest exists between an individual's County position and his or her outside employment. *See* RQO 17-01; INQ 21-66.

In the past, a Bus Traffic Controller working for DTPW who owned and operated her own company that provided commercial and residential janitorial services did not have a prohibited conflict of interest that prevented her from engaging in her proposed outside employment. *See* INQ 22-25 (Mom and Pop Grant applicant). Similarly, a County Commission Clerk 2 working for the Miami-Dade Clerk of the Courts who owned and operated her own company that provided beauty bar services did not have a prohibited conflict of interest that prevented her from engaging in her proposed outside employment. *See* INQ 22-08.

Here, based on the information provided to us at this time, the work that you conduct for and through Fresh LLC constitutes outside employment and does not appear likely to impair your independence of judgment in the performance of your County duties as an Administrative Officer 3 for DTPW. *See* RQO 17-03; RQO 17-01; INQ 22-25; INQ 22-08. This is because there does not appear to be any overlap between your public duties and your outside employment as the owner and operator of Fresh LLC.

However, County department directors and their subordinate supervisors have the discretion to deny a request for outside employment if they determine that, at any time, the proposed outside employment would be contrary, detrimental, or adverse to the interests of the County or the employee's department. *See* AO 7-1; RQO 16-02; RQO 00-10; INQ 13-28. **Accordingly, this memorandum does not grant permission to engage in**

outside employment. You must obtain permission to engage in outside employment yearly from your department director.¹ Given that you are a full-time employee, you must also file an outside employment financial disclosure form – Outside Employment Statement – on an annual basis with the Miami-Dade Commission on Ethics and Public Trust (“Ethics Commission”).²

B. Mom and Pop Small Business Grant

Upon obtaining permission to engage in outside employment with Fresh LLC, either you and/or Fresh LLC **may accept the Mom and Pop Small Business Grant**, so long as DTPW is not involved in any way in processing or administering the grant. This includes the condition that you, Ms. Collins, may not participate in determining or awarding the grants. Additionally, none of your job responsibilities or job descriptions may require you to be involved in the grants in any way, including enforcement, oversight, administration, amendment, extension, termination, or forbearance. *See* County Ethics Code §§ 2-11.1(c), (n).

C. Lobbying

You, Ms. Collins, may not lobby the County. Here, it means that you may not contact anyone within the County in an attempt to influence a decision about your application on behalf of Fresh LLC for a Mom and Pop Small Business Grant. *See* County Ethics Code § 2-11.1(m)(1).

D. Exploitation of Official Position

The County Ethics Code prohibits County employees from exploiting their official position. *See* County Ethics Code § 2-11.1(g). This means that you, Ms. Collins, may not use your County position to secure any special privilege or exemption with respect to Fresh LLC’s application to, and ultimate participation in, the Mom and Pop Small Business Grant program, or to any other grant program to which you or your company is applying.

Opinion

Based on the facts presented here and discussed above, your and/or Fresh LLC’s participation in the Mom and Pop Small Business Grant program **does not appear to give rise to any prohibited conflict of interest.**

¹ A records check reflects that you have not yet submitted a request to engage in your above-discussed outside employment in 2025. You are reminded that you must do so this year and continue to do so on an annual basis thereafter.

² You can find the required form online at: <https://documents.miamidade.gov/ethics/outside-employment/outside-employment-statement.pdf>.

This opinion is based on the facts presented. If these facts change, or if there are any further questions, please contact the above-named Staff Attorney.

This opinion is limited to the facts as presented to the Ethics Commission and to an interpretation of the County Ethics Code only. For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

INQs are informal opinions provided by the legal staff after review and approval by the Executive Director and/or General Counsel. INQs deal with opinions previously addressed in public session by the Miami-Dade Commission on Ethics and Public Trust or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Ethics Commission when the subject matter is of great public importance or where there is insufficient precedent. While this is an informal opinion, covered parties that act contrary to this opinion may be subject to investigation and a formal Complaint filed with the Ethics Commission.